REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Telephone Interview

The Applicants would like to thank Examiner Yanchuk and his supervisor for granting and conducting a telephone interview on February 3, 2012. Prior to the interview a draft claim and comments were provided to the Examiner.

Initially, during the interview the Examiner agreed that the 35 U.S.C. § 112, first paragraph rejections would be overcome by the Applicants proposed amendments.

Next, during the interview the structure of the member, the void, the lead and the active material non-coating portion of the current collector, as recited in claim 1 were discussed in view of Figs. 6A and 6B of Kim. Furthermore, during our discussion, the Examiner clarified his position that he was interpreting the void, as disclosed by Kim, to extend to areas below the insulating member 66 (see Fig. 6A of Kim).

In view of the above, the Examiner suggested clarifying the structure of the member, as recited in claim 1, such that the member sandwiches, in a gap, the lead and the active material non-coating portion of the current collector. The Examiner indicated that such an amendment would most likely overcome the Kim reference and that he would need to update his search for further consideration.

II. Amendments to the Claims

As a result of the above-mentioned interview, claim 1 has been amended to further distinguish the claimed invention from the prior art of record, and claim 1 has been amended in order to overcome the 35 U.S.C. §112 rejection discussed in detail below.

Additionally, claims 3 and 7 have been amended to remain consistent with amended independent claim 1 and new claims 14 and 15 have been added.

Support for these above-mentioned amendments and new claims can be found, at least, in Figs. 1, 2 and 3 and in paragraphs [0016], [0034], [0035] and [0041] of the publication of the present application (see U.S. 2007/0105015).

It is also noted that claim 1 has been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claim in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the claim, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

III. 35 U.S.C. § 112, First Paragraph Rejection

Claims 1, 3-7, 10 and 11 were rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Specifically, claim 1 was rejected for reciting the terms "D1" and "D2," which are not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s) as the time of filing the application had possession of the claimed invention.

As discussed during the above-mentioned telephone interview, claim 1 has been amended to remove the terms "D1" and "D2" and to clarify the structure of (i) the width of the inside opening of the battery case and (ii) the distance formed between the outer side face of the first side part of the member and the outer side face of the second side part of the member. As such and as agreed upon during the interview, it is respectfully submitted that independent claim 1 and claims 3-6, 10, 11 an 14 that depend therefrom now satisfy the requirements set forth by 35 U.S.C. § 112, first paragraph. Therefore, withdrawal of this rejection is respectfully requested.

IV. 35 U.S.C. § 102 Rejection

Claims 1 and 3, 4, 6, 7, 10 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kim (U.S. 2004/0126650). This rejection is believed clearly inapplicable to amended independent claim 1 and the claims that depend therefrom for the following reasons.

Amended independent claim 1 is directed to a battery, wherein each of a positive electrode and a negative electrode of a power generating element forms a current collector, wherein the current collector of each of the positive and negative electrode includes an active material coating portion and an active material non-coating portion. Further, claim 1 recites that the battery includes a member including a first side part and a second side part, wherein a gap is located between the first side part and the second side part of the member, such that the first side part and the second side part sandwich together, in the gap, (i) the lead and (ii) the active material non-coating portion of the current collector of one of the positive electrode and the negative electrode that extends beyond the active material coating portion of the current collector of the one of the positive electrode and the negative electrode. Kim fails to disclose or suggest the above-mentioned distinguishing features as recited in amended independent claim 1.

Rather, as discussed during the interview Kim merely teaches that (i) a positive electrode lead 64 is sandwiched by two portions of an insulating member 66 within a void 66b of the insulating member 66, and (ii) (separately) a negative lead 65a is sandwiched by two different portions of the insulating member 66 within a void 66a of the insulating member 66 (see Fig. 6A).

Thus, in view of the above and as acknowledged by the Examiner during the interview, even though Kim teaches that the positive electrode lead is sandwiched by portions of the insulating member and that (separately) the negative electrode lead is sandwiched by other portions of the insulating member, Kim fails to disclose or suggest that the member includes a first side part and a second side part, wherein a gap is located between the first side part and the second side part of the member, such that the first side part and the second side part sandwich together, in the gap, (i) the lead and (ii) the active material non-coating portion of the current collector of one of the positive electrode and the negative electrode that extends beyond the active material coating portion of the current collector of the one of the positive electrode and the negative electrode, as recited in claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 3-6, 10, 11 and 14 that depend therefrom are not anticipated by Kim.

Furthermore, there is no disclosure or suggestion in Kim or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Kim to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 3-6, 10, 11 and 14 that depend therefrom are clearly allowable over the prior art of record.

V. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Noriyoshi MUNENAGA et al.

By /Andrew L. Dunlap/
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Andrew L. Dunlap
Registration No. 60,554
Attorney for Applicants

ALD/cso
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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